GOVERNMENT OF MYSORE

LABOUR AND MUNICIPAL ADMINISTRATION DEPARTMENT
(LABOUR)

Labour Dispute :—Industrial Dispute between the Workmen and the Management of M/s. K.C.T. Mills Limited, Hubli.

Award of the Labour Court, Hubli published.

Read the following papers :

(1) Letter No. R 47/66-67/47, dated 9th January 1967 from Shri Syed Azizuddin Ahmed, Presiding Officer, Labour Court, Hubli.

IN THE LABOUR COURT AT HUBLI

***Dated 9th January* 1967**

Reference (ID) (LCH) No. 47 of 1966

Present

Sri Syed Azizuddin Ahmed, M.A., B.L., Presiding Officer.

Between

The workmen of M/s. K.C.T. Mills Limited, Hubli, represented by the General Secretary, Rashtriya Girani Mazdoor Sangh, Mangala Oni, Hubli.

I Party

And

The Management of M/s. K.C.T. Mills Limited, Hubli.

II Party

The Government of Mysore, by their Order No. LMA 467 LLD 66, dated 17th August 1966 under section 10(1) (c) of the Industrial Disputes Act, 1947, referred to this Court for adjudication the dispute between the Workmen and the Manage-

ment of M/s. K. C. T. Mills Ltd., Hubli. The points of dispute specified in the order of reference are as under :—

> "Is the Management of M/s. K.C.T. Mills Limited, Hubli, justified in suspending the workers Sri Fakkrusab and Sri Fattesab in excess of 7 days on loss of wages from 5th September 1964; If not to what relief the said workmen are entitled"?

2. The cause of the aggrieved workmen has been sponsored and espoused by the Girani Mazdoor Sangh, Hubli through its General Secretary, Sri M. A. Kutty, Joint Secretary of the I Party appeared for the Union, while Sri M. P. Valamannavar, Advocate appeared for the management. In response to the notices issued by this Court, the I Party filed its Claim Statement dated 15th September 1966 and the II Party its Counter Statement dated 14th October 1966.

3. The sum and substance of the claim statement is that the suspension of the two aggrieved workmen for a period of seven days was not proper. The period of suspension was prolonged to harrass the workmen. The charges levelled against the workmen were all fabricated. They are entitled to get their wages for the period of suspension.

4. The management resisted the claim. It maintained that on 5th September 1964, Hanumantappa Siddappa, a Watchman of the II Party lodged a complaint before the Managing Director to the effect that on that day at about 3-30 P.M. Fattesab and Fakkrusab had beat him and abused him. Both the delinquents were put under suspension, a show-cause notice was issued to them and a domestic enquiry was held. The enquiry officer held them guilty of the misconduct. The period of suspension was conmfirmed by the Managing Director. It is not true that the enquiry was prolonged to harrass the wokmen. There was no violation of the Standing Orders. On 3rd January 1967 when the case was called for hearing at Hubli, Sri Valamannavar, the learened representative of the II Party conceded that the dispute is an industrial dispute. Threupon, the point of dispute referred in the order of reference was treated as the issue in the case. The parties did not examine any witness. The I Party filed 4 documents while the II Party filed 9.

FINDINGS

This is a very simple matter. It is a common ground that the delinquents are the workmen of the II Party. The genesis of the dispute is that Hanumantappa Siddappa, Watchman of the II Party lodged a complaint against the deliquents as per Ex. M-1 before the Managing Director. It was alleged therein that then two workmen had assaulted him. On receipt of this report, the factory manager straight way sought the permission of the Managing Director to put them under suspension. This request was granted forthwith. Exs. W-1, W-2 are the Notice-*cum*-Charge sheets issued against the delinquents and Exs. M-3 and M-4 are the replies. In his reply Ex. M-3 Fattesab maintained that he did not hit Hanumantappa Siddappa. He, however, admitted that Hanumantappa Siddappa got the injury when he pulled his hand. Fakkrusab in his explanation M-4 completely disowned his liability. He maintained that there was an alternation between Hanumantappa Siddappa and Fattesab and that he had tendered advice to both the parties. Hence, he has been roped by the former. The enquiry officer examined two witnesses Channappa and Shivappa. The delinquents did not choose to examine any witness. The enquiry officer held that the offence was proved. He submitted his findings before the Managing Director. After perusing the findings, the Managing iDrector passed an order, the operative portion of which runs thus:

> "In both the cases the suspension of 4-5 days pending enquiry is confirmed. Both of them should be warned for proper behaviour in future."

There is an error apparent on the face of the record, in the order of the Managing Director. It is admitted on both the sides that the period of suspension was for 7 days. The competent authority has confirmed the suspension for 5 days. Ipso facto, it follows that both the workmen would be entitled to receive their wages for the remaining two days. Again I find that the learned Managing Director has awarded two punishments for the same offence.. It is to be borne in mind that censure, warning, fine, suspension and dismsisal constitute various modes of punishment. In the instant case, the suspension of 5 days pending enquiry has been converted into punishment and in addition to this, the delinquents have been warned. I find some

truth in the grievance of the learned representative of the I Party that for a petty offence, the enquiry has been prolonged to 7 days besides from the record it transpires that the dispute had not taken place within the factory premises. It had taken place on the way while the disputants and the watchman were returning home after leaving the factory premises. In view of the *lacuna* in the order of punishment, it cannot be supported.

AWARD

I hold that the management of M/s. K.C.T. Mills, Ltd., Hubli were not justified in suspending the workers Sri Fakkrusab and Fattesab for a period of 7 days on loss of wages from 5th September 1964. They are entitled to receive wages for this period. No order as to costs.

Place: HUBLI

Date: 9-1-1967

SYED AZIZUDDIN AHMED,
Presiding Officer,
Labour Court, Hubli.

ANNEXURE

Reference (ID) (LCH) No. 47/1966

Witnesses examined for I Party

Nil

Witnesses examined for II Party

Nil

Documents marked for II Party

Exhibits :

W-1 Charge sheet dated 5th September 1964 addressed Fattesab.

W-2 Charge sheet dated 5th September 1964 addressed Fakkrusab.

W-3 Adjournment notice dated 8th September 1964.

W-4 Letter from I Party dated 28th March 1965 addressed to II Party.

Documents marked for II Party

Exhibits :

M-1 Complaint of Hanumantappa dated 5th September 1964.

M-2 Suspension order dated 5th September 1964 of Managing Director.

M-3 Written statement of Fattesab dated 6th September 1964.

M-4 Suspension order dated 6th September 1964 of Managing Director.

M-5 Application of F.M. addressed to Managing Director.

M-6 Order issued by II Party to Fattesab regarding extension of time of suspension.

M-7 Enquiry Proceedings dated 10th September 1964.

M-8 Application of F.M. addressed to Managing Director

M-9 Notice dated 10th September 1964 from II Party to Fakkrusab.

Place : HUBLI

Date : 9-1-1967

SYED AZIZUDDIN AHMED,
Presiding Officer,
Labour Court, Hubli.

ORDER

Bangalore, dated 21st January 1967

S.O. 627.—WHEREAS by State Government Order No. PLM 467 LLD 66, dated 17th August 1966 the Industrial Dispute between the Workmen and the Management of M/s. K.C.T. Mills, Ltd., Hubli was referred to the Labour Court, Hubli for adjudication.

AND WHEREAS the Labour Court has submitted to the State Government its award in respect of the said Industrial Dispute;

NOW THEREFORE, in exercise of the powers conferred by section 17 of the Industrial Disputes Act, 1947 (Central Act XIV of 1947), the Government of Mysore are pleased to direct the publication of the said award as above, in the *Mysore Gazette*.

[No. LMA 467 LLD 66]

By Order and in the name of the Governor of Mysore,

G. G. PUROHIT,
Under Secretary to Government,
Labour and Municipal Administration
Department.